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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,120	12/11/2003	Vincent C. Skurdal	200309729-1	1934
22879 7590 06/29/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER SAX, STEVEN PAUL	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 06/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/735,120	Applicant(s) SKURDAL ET AL.	
	Examiner Steven P. Sax	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>see attached</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This application has been examined.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19, 21-31, 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Abruna (5495302).
4. Regarding claim 1, Abruna shows a method comprising: sensing for a human presence in a region proximate a processing system independently of any human engagement of the processing system (abstract, column 4 lines 10-45); generating a signal based on said sensing and controlling at least one user-perceptible output of the processing system based, at least in part, on said signal (column 6 lines 34-53).

5. Regarding claim 2, said act of sensing comprises sensing the region from which a user can view a visual output of the processing system (column 5 lines 35-55).

6. Regarding claim 3, said act of controlling comprises muting an audio output associated with the processing system when the human presence is detected (see abstract, the audio is cut off with the visual).

7. Regarding claim 4, said act of controlling comprises blanking a display device associated with the processing system when the human presence is detected (column 7 lines 15-25).

8. Regarding claim 5, said act of controlling comprises blanking a display device associated with the processing system when the human presence is not detected (column 7 lines 20-45).

9. Regarding claim 6, said act of controlling comprises blanking a display device associated with the processing system if the human presence is not detected for a period of time (column 7 lines 25-49).

10. Regarding claim 7, said act of controlling comprises powering-up at least a

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portion of the processing system when a user is detected after a period when no user had been detected (column 7 lines 20-50).

11. Claims 8-9, 12 show the same features as claims 1, 2, 7 respectively and are rejected for the same reasons.

12. Regarding claim 10, said causing comprises powering-up the display device when the user is detected (column 7 lines 20-49).

13. Regarding claim 11, said causing comprises powering-up the display device from a stand-by mode to an active mode when the user is detected (column 7 lines 1-23).

14. Regarding claim 13, said causing comprises powering-down the display device when the user is not detected (column 7 lines 10-34).

15. Regarding claim 14, said causing comprises powering-down the display device when the user is not detected for a predetermined period of time (column 7 lines 25-49).

16. Claims 15-16 show the same features as claims 1-2 and are rejected for the same reasons.

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17. Regarding claim 17, the means for affecting comprises a means for processing which is positioned in a means for remotely controlling the display device (column 5 lines 50-65).

18. Regarding claim 18, the means for generating a signal comprises a sensor (column 5 lines 35-45).

19. Regarding claims 19, 21-22, the means for creating a user-perceptible image comprises a digital device, a liquid crystal device (column 7 lines 20-30), or an analog device such as a cathode ray tube (column 5 lines 40-55).

19. Claims 23-24 show the same features as claims 1-2 and are rejected for the same reasons.

20. Claim 25-26 shows the same features as claims 15, 17 and are rejected for the same reasons.

21. Regarding claim 27, the sensor is configured to detect movement (column 6 lines 34-50).

22. Regarding claim 28, the sensor is configured to detect a change between a first set of sensed data and a second subsequent set of sensed data (column 6 lines 34-50).

23. Regarding claim 29, the control device is further manipulatable by a user to control one or more processing devices of the processing system (column 7 lines 40-60).

24. Claim 30 shows the same features as claim 1 and is rejected for the same reasons.

25. Regarding claim 31, the sensor is located above the display (column 5 lines 45-60).

26. Regarding claim 32, note a second device coupled to the display device wherein the second device contains a second processor and wherein a processing speed of the second processor can be affected by the signal (column 7 lines 1-29).

27. Claims 35-36 show the same features as claims 30-31 and are rejected for the same reasons.

28. Regarding claim 37, note a means for remotely controlling the means for generating a visual image wherein the means for sensing is positioned on the means for remotely controlling (column 7 lines 20-49).

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 20 and 33-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Abruna (5495302).

31. Regarding claim 20, in addition to that mentioned for claim 15, the LCD is not specifically mentioned, but a various display devices to output an image are mentioned to output an image. Examiner takes Official Notice that an LCD is convenient output device to output an image. It would have been obvious to a person with ordinary skill in the art to have this in Abruna, because it would allow a convenient way to output an image.

32. Regarding claim 33, in addition to that mentioned for claim 30 or 32, the tower is not specifically mentioned but there is a source for the television signal. Examiner takes Official Notice that a tower would be a source for the television signal. It would have been obvious to a person with ordinary skill in the art to have this in Abruna, because it would allow a convenient source for the television signal.

33. Regarding claim 34, in addition to that mentioned for claim 32, the personal computer per se is not mentioned, but a convenient processor is. Examiner takes Official Notice that a personal computer is a convenient processor. It would have been obvious to a person with ordinary skill in the art to have this in Abruna, because it would be a convenient processor.

34. Claims 1-14 and 30-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims recite "independent of the user physically engaging the system" but yet even when a user is detected, this is still a physical engagement of the system.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



STEVEN SAX
PRIMARY EXAMINER